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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,599

06/19/2006

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NL031485

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7590

01/12/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DAZENSKI, MARC A

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

01/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,599	Applicant(s) VAN GESTEL, WILHELMUS JACOBUS	
	Examiner MARC DAZENSKI	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2 October 2009 have been fully considered but they are not persuasive.

On page 9 of the remarks, Applicant argues “the examiner has not provided any evidence to prove that it would be obvious to one skilled in the art to combine Kashiwagi with Yamauchi.” In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, by combining the plurality of pieces of audio and sub-picture data and making them selectable via a remote control (as taught by Yamauchi), this provides the user the ability to select different audio or subtitle tracks depending on what language they wish to hear (or see, in the case of subtitles). As Kashiwagi does not teach this limitation, it would have been obvious to incorporate the teachings of Yamauchi in order to provide the viewer with greater versatility in watching a video.

On page 9 of the remarks, Applicant argues “the examiner has not pointed out anywhere in the combination of citations where ‘a succession of consecutive interleaved

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units, each interleaved unit comprising one corresponding block of each of the common information stream parts and one corresponding block of each of the alternative information streams, the common information stream blocks being separate from the alternative information stream blocks.” The examiner respectfully disagrees.

Kashiwagi discloses ILVU's in multi-angle scene periods (see e.g., the previously cited sections of Kashiwagi as well as figure 31), which reads on the claimed, "a succession of consecutive interleaved units, each interleaved unit comprising...one corresponding block of each of the alternative information streams..." The "alternative information streams" in this case would be the multi-angle scene data. The cited sections of Yamauchi were provided in order to teach the "common information stream." Yamauchi discloses each VOBUs comprising audio streams A, B, and C as well as sub-picture streams A, B, C, and D (see e.g., the previously cited sections of Yamauchi as well as figure 4B) which are clearly separate from the video information of the VOBUs (as can be seen from "video (1001)" being separate from the audio and sub-picture packs of "VOBU1001" in figure 4B). As this information is common to the VOBUs of Yamauchi, the examiner maintains this reads on the claimed interleaved units comprising "one corresponding block of each of the common information stream parts...the common information stream blocks being separate from the alternative information stream blocks."

Further, a careful reading of the instant claim 1 reveals that nowhere does it say there can't be more than one corresponding block of the common information stream parts and the alternative information streams. Indeed, the claim only reads "comprising

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one corresponding block..." (emphasis added) and not "comprising *one and only one* corresponding block..." As this limitation is absent from the claim as written, the examiner maintains that the combination of Kashiwagi and Yamauchi effectively reads on the limitations of the claim as previously cited.

A full rejection of the pending claims appears below.

Claim Objections

Claim 12 is objected to because of the following informalities: the claim reads "wherein steps are repeated for each following interleaved unit." However, as written it is unclear as to which specific steps are repeated. The examiner interprets this to mean, "wherein steps (c)-(f) are repeated for each following interleaved unit." Appropriate correction is required.

Claim 16 is objected to because of the following informalities: the claim contains an erroneous ", and" at the end of the last line. The examiner recommends deleting ", and." so that the final line reads "selected common information streams of different type." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwagi et al (US Patent 6,907,190), hereinafter referred to as Kashiwagi, in view of Yamauchi et al (US Patent 6,088,507), hereinafter referred to as Yamauchi.

Regarding **claim 1**, Kashiwagi discloses a method and an apparatus for reproducing bitstream having non-sequential system clock data seamlessly therebetween. Further, Kashiwagi discloses recording a multimedia bitstream to a recording medium, which reads on the claimed, "method for recording an information stream on a record medium," as disclosed at column 10, lines 25-30 and exhibited in figure 2; the multimedia bitstream including multiangle data, which reads on the claimed, "the information stream comprising a plurality of alternative streams," as disclosed at column 12, lines 48-54, column 18, lines 25-57; and wherein the data is interleaved, which reads on the claimed, "wherein the alternative streams of the information stream are recorded in an interleaved manner," as exhibited in figures 21-24 and 27-28;

wherein the data is divided into VTS's, which reads on the claimed, "a processor dividing each of the alternative information streams into alternative information stream blocks," as exhibited in figures 22;

and wherein the multimedia bitstream is recorded in VOB's comprising the video information and therefore the multi-angle data, and further plural system streams are interleaved with the ILVU as the smallest unit are defined as an interleaved block, which reads on the claimed, "and using media write means for recording the information stream on a physical media as a succession of consecutive interleaved units, each

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interleaved unit comprising... one corresponding of each of the alternative information streams,” as disclosed at column 25, lines 31-37 as well as exhibited in figures 21-24, 27-28, and 71.

However, Kashiwagi fails to disclose the information stream comprising and at least one common part...a processor dividing each of the common information stream parts into common information stream blocks...each interleaved unit comprising one corresponding block of each of the common information stream parts...the common information stream blocks being separate from the alternative information stream blocks. The examiner maintains it was well known in the art to include the missing limitations, as taught by Yamauchi.

In a similar field of endeavor, Yamauchi discloses a multimedia optical disc for storing audio data and sub-picture data in a plurality of channels as well as moving picture data and apparatus and method for reproducing the multimedia optical disc. Further, Yamauchi discloses video title sets VTS that comprise a plurality of pieces of audio data, a plurality of pieces of sub-picture data, the audio being different languages and the sub-pictures being different subtitles, the audio and sub-pictures selectable with a remote control, which reads on the claimed, “the information stream comprising and at least one common part...a processor dividing each of the common information stream parts into common information stream blocks...each interleaved unit comprising one corresponding block of each of the common information stream parts...the common information stream blocks being separate from the alternative information stream

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blocks,” as disclosed at column 8, lines 9-38; column 16, lines 1-11; and exhibited in figure 3.

Therefore, it would have been obvious to modify the method of Kashiwagi to include video title sets VTS that comprise a plurality of pieces of audio data, a plurality of pieces of sub-picture data, the audio being different languages and the sub-pictures being different subtitles, the audio and sub-pictures selectable with a remote control, as taught by Yamauchi, for the purpose of enabling a user to select one of a plurality of foreign languages for a given video.

Regarding **claim 2**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above (wherein figure 3 of Yamauchi clearly exhibits the audio and sub-picture blocks are separate from video data).

Regarding **claim 3**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 4**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 5**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 4). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above (wherein Kashiwagi

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discloses at column 38, lines 59-61 that these multi-angle scenes are freely selectable by a viewer).

Regarding **claim 6**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 1). Further, Kashiwagi discloses an optical disc storing the multimedia bitstream, which reads on the claimed, "wherein the record medium is an optical disc," as exhibited in figures 2-4.

Regarding **claim 7**, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 8**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 7). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 2 above.

Regarding **claim 9**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 7). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Regarding **claim 10**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 9). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 11**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 7). Further, Kashiwagi discloses reproducing the content of each title unit according to the user-defined scenario, which reads on the claimed, "method for reading a record medium according to claim 7," as disclosed at column 10, lines 43-45; the method comprising:

the user then inputting the desired scenario based on video, sub-picture, and audio portions of a multimedia title edited by the author encoder (EC), which reads on the claimed, " a) selecting at least one common information stream; b) selecting one of the alternative information streams," as disclosed at column 11, lines 3-18;

sub-picture decoder (3100) outputting information to sub-picture buffer (2700) as well as audio decoder outputting information to audio buffer (2800), which reads on the claimed, "c) reading the common information stream block of said at least one selected common information stream associated with one interleaved unit; d) storing the information from the one common block read into a buffer memory," as disclosed at column 12, lines 19-21 and 32-35;

video decoder (3800) outputting information to video buffer (2600), and then synthesizer (3500) superimposing the video signal and sub-picture signal to generate and output the multi-picture video signal to the video data output terminal (3600), which reads on the claimed, "e) reading the alternative information stream block of the selected one of the alternative information streams associated with said one interleaved unit; f) simultaneously outputting the alternative information stream block in combination with the common information stream block from said buffer memory," as disclosed at column 12, lines 28-32.

Regarding **claim 12**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 11). Further, Kashiwagi discloses it is possible to change scenarios while playback is in progress and to dynamically select and reproduce any of plural scenes while reproducing the title content according to a

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desired scenario, which reads on the claimed, "wherein steps are repeated for each following interleaved unit," as disclosed at column 12, lines 55-64.

Regarding **claim 13**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 11). Further, the limitations of the claim are rejected in view of the explanation set forth in claims 3 and 11 above.

Regarding **claim 14**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 11). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 11 above.

Regarding **claim 15**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 11). Further, Kashiwagi discloses reading head (2006), signal processor (2008), reproduction controller (2002), recording media drive unit (2004), and stream buffer (2400), which reads on the claimed, "reading means for reading the record medium; an actuator for positioning the reading means with respect to the track of the record medium; a controller for controlling the actuator, the controller having an input receiving a read signal from said reading means; the controller being provided with at least one buffer memory for storing the blocks of at least one of the common information streams," as disclosed at column 10, line 56 through column 11, line 2; and exhibited in figure 3.

Regarding **claim 16**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 14). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 14 above. Still further, Kashiwagi discloses separate video buffer (2600), sub-picture buffer (2700), and audio

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buffer (2800), which reads on the claimed, "wherein the controller is provided with a plurality of buffer memories of different type, for storing the blocks of the selected common information streams of different type, and." as exhibited in figure 3.

Regarding **claim 17**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 14). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Regarding **claim 18**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 14). Further, Kashiwagi discloses scenario selector (2100) comprising a keyboard, CPU, and monitor so that the user can input the desired scenario, which reads on the claimed, "further comprising user input means for allowing a user to input a selection of an alternative information stream and a selection of at least one common information stream," as disclosed at column 29, lines 61-65.

Regarding **claim 19**, the combination of Kashiwagi and Yamauchi discloses everything claimed as applied above (see claim 14). Further, Kashiwagi discloses authoring decoder (DC) which comprises video data output terminal (3600) and audio data output terminal (3700), which reads on the claimed, "audio/video reproduction system comprising a disc drive according to claim 14, the system further comprising a display device comprising at least one screen for displaying images and at least one loudspeaker for generating sound," as disclosed at column 10, lines 51-56 and exhibited in figure 3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
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